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Progress made on the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, 10 years following its adoption

Report of the Secretary-General

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I. Introduction

1. In paragraph 29 of resolution 65/64, entitled "The illicit trade in small arms and light weapons in all its aspects", the General Assembly invited Member States to communicate to the Secretary-General their views on the progress made on the implementation of the Programme of Action, 10 years following its adoption, and requested the Secretary-General to present a report containing that information as an input to the 2012 review conference.

2. Pursuant to that request, on 15 June 2011, the Secretariat sent a note verbale to Member States requesting their views on the subject. As of the writing of the present report, replies have been received from the following seven States: Germany, Iraq, Japan, Norway, Qatar, Romania and Thailand. The replies are reproduced in section II, below.

II. Replies received from Member States

Germany

[Original: English]
[5 March 2012]

Small arms and light weapons are the main instrument of lethal armed violence worldwide. The uncontrolled proliferation of such arms and weapons fuels conflicts and contributes to the escalation of tensions. The illicit possession, use, manufacturing and trade of such arms and weapons are inseparably linked to criminal violence, gang violence and organized crime. Therefore, controlling small arms and light weapons is indispensable for an orderly State governed by rule of law, and a crucial factor in the fight against crime. As small arms and light weapons are regularly ubiquitous in the aftermath of armed conflicts, controlling such arms and weapons is also a necessary element of systematic crisis prevention and a cornerstone of post-conflict stabilization. Such stabilization requires comprehensive security sector reforms, including weapons programmes intended for civilians, to accompany a disarmament, demobilization and reintegration process for ex-combatants.

In the 10 years of its existence, the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects has provided the tools to control the proliferation and illicit use and trafficking of such arms and weapons and is the international reference instrument on the issue. Germany supports the implementation of the Programme of Action at the national, regional and global levels.

The Programme of Action has contributed to a global awareness of the risks of uncontrolled proliferation of small arms and light weapons. Several new international norms with the objective of facilitating and enhancing the control of such arms and weapons have been agreed after the adoption of the Programme of Action. The International Tracing Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument) has set the framework for standards in the marking, registration and tracing of small arms and light weapons. In particular,

regional initiatives such as the European Union strategy on small arms and light weapons, the Small Arms Control Programme of the Economic Community of West African States or the Regional Centre on Small Arms in Eastern Africa have complemented the global framework set by the Programme of Action. On the fourth biannual meeting of States, held in 2010, progress in different fields could be observed, namely, regional cooperation was identified as a crucial element in combating illicit cross-border arms trafficking.

Since 2001, many States have established national points of contact, small arms commissions and relevant authorities for small arms control, in particular in regions heavily affected by weapons proliferation, for example, in some parts of Africa.

Disarmament procedures regarding surplus weapons and ammunition in post-conflict situations or stemming from police and military stocks have been gaining effectiveness. Reporting has been improved thanks to the provision of templates. Germany has supported the United Nations Office for Disarmament Affairs in establishing a platform for information exchange on small arms and light weapons with the Programme of Action Implementation Support System, allowing for a comprehensive orientation with regard to the international framework. Moreover, with the publication entitled "Matching needs and resources", the Office has created a clearing mechanism for donors and recipient countries regarding small arms and light weapons cooperation projects.

The relationship between armed violence, underdevelopment and the proliferation of illicit weapons has been increasingly recognized. One of the documents giving proof of and at the same time contributing to that awareness is the 2006 Geneva Declaration on Armed Violence and Development. Armed violence is a major obstacle to development and hinders economic and social progress.

However, the Programme of Action has not been implemented on an equal level worldwide. A 2011 study by the United Nations Institute for Disarmament Research, funded by Germany, identified various obstacles and challenges in the implementation of the Programme of Action. Technical insufficiencies and a lack of funding were among the difficulties mentioned by several participants of the study. A lack of cross-border communication and cooperation in neighbouring States was another example. It will be crucial to address those challenges during the review conference of the Programme of Action, to be held in August and September 2012.

Verification of the Programme of Action is another challenge. Not all States submit their reports in a timely and regular manner. There is a lack of follow-up mechanisms to track the effectiveness of national implementation efforts. What are needed are instruments to measure further implementation success, including benchmarks. Also, implementation efforts should be more focused, with clear and well-defined objectives, time frames and priorities.

Therefore, a follow-up mechanism and a regular review process will continue to be of utmost importance. Biannual meetings of States should focus on implementation successes as well as deficits and allow for an evolution of the Programme of Action on the basis of lessons learned.

Germany would like to stress the points below regarding the substantive matters of the Programme of Action.

The control of ammunition and munitions should be an integral part of the efforts to control small arms and light weapons and to implement the Programme of Action. Munitions pose a risk as their deterioration can lead to uncontrolled explosions or environmental contamination. Moreover, the effective control of ammunition will have a fast and noticeable impact on the control of small arms as the latter cannot be operated without the former.

Germany encourages regional organizations to play an enhanced role in the implementation of the Programme of Action. Regional organizations can and should support their member States more systematically in implementing the Programme of Action, thus promoting cooperation and information exchange, which is crucial for border control, the tracing of arms and the fight against arms smuggling and organized crime.

Germany believes there is room to enhance the role of women in the security sector, including in the field of small arms control. In its resolution 1325 (2000), the Security Council reaffirms the important role of women in the prevention and resolution of conflicts and in peacebuilding; and urges States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict. Germany sees in particular an increased role for women in the field of disarmament, demobilization and reintegration.

Germany underlines the role of the United Nations bodies and institutions against the proliferation of small arms and light weapons. It values the coordinating role of the United Nations Office for Disarmament Affairs. It appreciates the clearing mechanism established by the publication entitled "Matching needs and resources" and encourages States to contribute as donors and recipients by defining and updating the project list. Germany coordinates the Group of Interested States and encourages other States to take a leading role.

Germany supports in particular the provisions of the Programme of Action regarding international assistance. It believes that the control of small arms and light weapons can play a critical role in the stabilization of post-conflict situations and is at the same time an important element of crisis prevention. Against this background, Germany has increased its relevant assistance and focused on post-conflict States, mainly in Africa.

Germany encourages States to report to the United Nations arms register, including in the category on small arms and light weapons. Germany would support the idea of a mandatory reporting mechanism for small arms and light weapons as an additional category of the register, as it believes small arms and light weapons are the main cause of instability in many parts of the world, often exceeding heavy weaponry as a challenge to stability.

At the second review conference of the Programme of Action, scheduled to be held from 27 August to 7 September 2012, States should take the opportunity to advance implementation efforts of the Programme of Action at the national, regional and international levels. Germany will work constructively towards that objective.

Iraq

[Original: Arabic]
[5 October 2011]

Report of the Republic of Iraq on General Assembly resolution 65/64 concerning the illicit trade in small arms and light weapons in all its aspects

The Republic of Iraq has taken the following measures in implementation of this resolution:

At the national level:

Pursuant to Iraqi Law No. 20 of 2007, Iraq has ratified the United Nations Convention against Transnational Organized Crime and the Protocol thereto against the Illicit Manufacturing of and Trafficking in Firearms, Their parts and Components and Ammunition.

1. Pursuant to Iraqi Law No. 20 of 2007, article 13, Iraq has established a focal point for small arms and light weapons and a national committee for arms control.

2. National legislation has been promulgated to control arms with a particularly dangerous impact, including silenced weapons. That legislation is additional to existing legislation that is in force with regard to this matter.

3. A model end user certificate has been devised and circulated, in accordance with resolution 46/36 L, concerning transparency and the United Nations Register of Conventional Arms. A factory where illicit weapons are destroyed has also been established.

4. Borders are controlled using the most modern surveillance and detection equipment. In coordination with neighbouring countries, bilateral agreements have been concluded with a view to controlling the smuggling of illicit arms.

5. Practical coordination is conducted with the Iraqi National Security Council with a view to transferring the issue of arms control from the Ministry of the Interior and making it a matter of State concern.

At the regional level:

1. Action has been taken in coordination with the League of Arab States, Disarmament and Multilateral Relations Department, with a view to harmonizing arms control efforts and implementing League of Arab States resolution No. 6447, which was adopted by the Council of Arab Ministers of the Interior in December 2002.

2. Action and coordination in the interchange of expertise with the relevant organizations, including the Council of Arab Ministers of the Interior and other committees concerned with the issue of arms and ammunition.

At the international level:

1. Pursuant to Law No. 20 of 2007, Iraq became a party to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their parts and Components and Ammunition, supplementing the United Nations Convention

against Transnational Organized Crime, which the General Assembly adopted in its resolution 55/255.

2. An Iraqi focal point for Coordinating Action on Small Arms has been designated.

3. Coordination is ongoing with the United Nations Disarmament Commission on the issue of the exchange of information and expertise and maintenance of the United Nations Register.

4. Iraq is cooperating with United Nations programmes and, in particular, the United Nations Development Programme and UNICEF, and with friendly States that are providing support in technical areas.

Japan

[Original: English]
[7 October 2011]

Basic position

Within the framework of the United Nations, Japan has been actively grappling with the challenges caused by small arms and light weapons by simultaneously promoting the rule-making process and assistance to projects on the ground.

Every year since 2001, Japan, Colombia and South Africa have submitted to the General Assembly a resolution entitled "The illicit trade in small arms and light weapons in all its aspects", which has either been adopted unanimously or by an overwhelming majority. Furthermore, Mitsuro Donowaki presided over the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York in 2001, and the Vice-President of Japan, Kuniko Inoguchi, was the President of the 2003 biennial meeting. Japan also hosted a workshop on small arms and light weapons, held in Tokyo in 2007, and financially assisted the convening of the South-East Asia regional seminar on brokering for small arms and light weapons, held in Bali in 2010.

At the Group of Eight summit meeting held in Kyushu-Okinawa in 2000, Japan made a commitment to put in place a small arms and light weapons fund within the United Nations, offering approximately 200 million yen to that end. Through such programmes as Official Development Assistance, the Government of Japan has been assisting the implementation of projects in Asia and Africa, such as the collection and destruction of weapons, research and education. Japan contributed to the 2009 project entitled "Enhancing Human Security in the Great Lakes Region and Horn of Africa by Preventing Proliferation of Illicit Small Arms through Practical Disarmament", and to a seminar held in Nepal in 2011 entitled "Inter-Institutional Training Course to Combat Illicit Trade in Small Arms and Light Weapons".

Status of implementation of the Programme of Action

National implementation

Although it has the capability to produce and export small arms and light weapons, Japan has been following the strict policy of banning the export of any

weapons in principle, based on its "Three Principles on Arms Export" and Foreign Exchange and Foreign Trade Law. As shown in the section entitled "National implementation of the Programme of Action", below, Japan has national laws and regulations in place to ensure the implementation of the measures enshrined in the Programme of Action.

Implementation at the regional and global levels

As shown in the section entitled "Implementation of the Programme of Action in the international community", below, Japan's activities at the regional level include assisting affected countries in implementing projects on the ground and promoting, for example, the exchange of information among customs authorities for border control, and among prosecution authorities for the control of illicit trade. At the global level, Japan actively participates in the rule-making process and ratifies all international conventions against terrorism.

Specific issues

Lessons learned from projects on the ground

In order to effectively respond to the issue of small arms and light weapons, Japan has considered various aspects and has recognized the importance of the lessons learned from projects in Cambodia and Afghanistan.

Project for collecting and destroying weapons in Cambodia

Importance of a comprehensive approach

In order to thoroughly prevent the illicit trade in weapons, the following measures must be taken in parallel:

- Collection and control of illicit weapons possessed by civilians
- Management of legal weapons stockpiled by security authorities such as the police
- Destruction of surplus legal weapons and collected illicit weapons

Confidence-building between civilians and the Government, including security authorities

If security authorities are unable to maintain law and order, civilians will not surrender their weapons. Therefore, security authorities must improve their policing and law-enforcement capacity in order to fulfil their duty regarding keeping order and to earn public confidence.

Adequate measures for responding to situations on the ground

It is not easy to grasp the real needs of a recipient country because such needs are multifaceted. Experts on small arms and light weapons, peacebuilding and human security should establish themselves in affected areas and design projects after researching and gaining an understanding of the situation.

Disarmament, demobilization and reintegration project in Afghanistan

Donor countries need to:

- Take into consideration the benefits not only for disarmed soldiers but also the groups of displaced persons and local inhabitants
- Promote adaptation with disarmed soldiers in terms of lifestyle as well as psychological aspects
- Build cooperative relationships with the Ministry of Defence and the military in the recipient country

Building a database: Programme of Action Implementation Support System

In 2005 and 2006, Japan made financial contributions through the small arms and light weapons fund in the United Nations to set up the database for the Coordinating Action on Small Arms mechanism, which is part of the Programme of Action Implementation Support System and enables related international institutions to share information on the issue of small arms and light weapons. We expect the Programme of Action Implementation Support System, which has compiled information from both donor and recipient countries, to be used effectively as an easy access tool by as many relevant countries, personnel and entities as possible.

Resolution on small arms and light weapons

The resolution on small arms and light weapons has been co-authored and submitted to the General Assembly every year by Colombia, Japan and South Africa. The resolution plays an important role in promoting the implementation of the Programme of Action by raising public awareness annually regarding the issue in the international community, appealing to countries, relevant organizations and non-governmental organizations about the necessity of implementing the concrete measures proposed by the related meetings of the United Nations, and deciding on the follow-up mechanism, including the holding of related conferences at the United Nations in the coming years.

Way forward: the Programme of Action as a framework document

The 2012 review conference on small arms and light weapons is a good opportunity to review the progress made in the implementation of the Programme of Action over the 10 years since its adoption and to outline the future direction towards effectively addressing the issue of small arms and light weapons. Even though the Programme of Action deals with that issue comprehensively, its wording is often ambiguous, and a standard for measuring the achievements made by countries is lacking. Each country understands the Programme of Action in its own manner and has its own way of evaluating the Programme. Given that 10 years have elapsed since the Programme of Action was adopted, the action plan should be implemented based on a common understanding among the countries. This viewpoint is now shared by an increasing number of countries and some concrete initiatives can be observed, such as the creation of measurable benchmarks and the development of the International Small Arms Control Standards. It is quite important for the countries to exchange views at the 2012 review conference on how the Programme of Action can be consolidated as a framework document.

Promoting a common understanding of the Programme of Action among countries will provide greater meaning to the sharing of best practices and facilitate the matching of needs to resources in the area of international cooperation.

National implementation of the Programme of Action

Production

Japan's Ordnance Manufacturing Law and Explosives Control Law requires the permission of the concerned authorities for the production of arms and explosives. Violations thereof are liable to incur penalties.

Export

Pursuant to Japan's "Three Principles on Arms Export", Foreign Exchange Law and Foreign Trade Law, the export of specific kinds of goods to specified destinations, such as those considered to be obstructive to the maintenance of international peace and security, requires the permission of the relevant authority. Violation is liable to incur penalties.

Import

Japan's Customs Law bans the import of arms, except for those authorized under exceptional circumstances, while its Firearms and Swords Control Law bans in principle the possession and import of arms. Violation is liable to incur penalties.

Marking and tracing

In principle, all manufacturers of small arms and light weapons mark them with the name of the manufacturer and a serial number due to the practical necessity of production. It should be noted that, in Japan, no export of arms is permitted in principle even when they are marked, due to the Foreign Exchange and Foreign Trade Law. All small arms and light weapons possessed by the public institutions in charge of national defence and security are duly marked and appropriately recorded. Small arms and light weapons possessed by authorized civilians are subject to the same regulations as those possessed by public institutions.

Brokering

Japan's Foreign Exchange and Foreign Trade Law requires permission for brokering activities, such as transactions accompanying the overseas movement of goods between residents and non-residents. Violation is liable to incur penalties.

Implementation of the Programme of Action in the international community

Cooperation at the regional level

Japan has actively extended its assistance mostly to Asian countries, such as Afghanistan, Cambodia and Sri Lanka, in addition to African countries such as Liberia, Mozambique and Sierra Leone, in order to reduce the suffering caused by small arms and light weapons. The total assistance provided during the past 10 years in such fields as collection and destruction of weapons, confidence-building, research, education, disarmament, demobilization and reintegration, and capacity-building, amounts to approximately $500 million.

Japan considers border control to be important for preventing illicit arms transfers. Japanese customs personnel were dispatched to the countries and areas prone to arms smuggling in order to strengthen information gathering. They also fostered dialogue with their counterparts, through cross-border networks established for information exchange among the customs authorities of different countries. The exchange of information on the transfer of arms was also promoted in meetings related to export controls.

Japan also considers cross-border partnerships with concerned investigation authorities to be important for preventing the proliferation of illicit arms. Japan strengthened those partnerships through information exchanges via the International Criminal Police Organization (INTERPOL), and actively promoted joint investigation with the relevant countries prone to arms smuggling, thereby increasing ties with law enforcement authorities and promoting the sharing of related information. As regards capacity-building projects, Japan held seminars in Africa, Asia and Latin America on techniques related to identification and investigation methods, and on the Japanese *Koban* (police box) system.

Cooperation at the global level

Japan has accepted 13 conventions against terrorism, including the following three international conventions in the past 10 years:

- International Convention for the Suppression of Terrorist Bombings (November 2001)
- International Convention for the Suppression of the Financing of Terrorism (June 2002)
- International Convention for the Suppression of Acts of Nuclear Terrorism (August 2007)

Japan contributes to international rule-making process, as mentioned in the section entitled "Basic position", above.

Cooperation with civil society including international non-governmental organizations

Japan appreciates the capacity of non-governmental organizations to gather information and create networks, and attaches importance to its cooperative relationship with those organizations engaged in the issue of small arms and light weapons. Japan has been trying to promote the exchange of views and information sharing with such organizations involved in this issue.

In addition, Japan has been cooperating with non-governmental organizations on implementing projects for the collection and destruction of weapons in Cambodia and projects for disarmament, demobilization and reintegration in Afghanistan.

Norway

[Original: English]
[19 September 2011]

It is important to strengthen the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Norway encourages all States to participate in the implementation of the programme and to comply fully with all its provisions. Norway is of the view that a legally binding instrument would provide for such a strengthening of the implementation of the Programme of Action. Alternatively, some of the key provisions in the Programme of Action could be made legally binding, such as the provisions against illicit brokering and the International Instrument.

Norway also underlines the importance of implementing the provision on end user certificates, as contained in paragraph II, 12 in the Programme of Action. Finally, Norway would like to stress the importance of fully including ammunition into the Programme of Action.

Qatar

[Original: Arabic]
[11 October 2011]

Set forth below is a list of the measures that have been taken by Qatar in implementation of the Programme of Action:

1. Law No. 14 of 1999 concerning arms, ammunition and explosives was promulgated as national legislation with a view to regulating the circulation of arms and ammunition.

2. The apparatus of the Qatari Ministry of the Interior has been reinforced and its administrative and technical capacities have been strengthened with a view to the effective application of the above-mentioned Law on arms, ammunition and explosives.

3. Cooperation between Gulf Cooperation Council member States has been strengthened with regard to follow-up mechanisms and the prevention, suppression and elimination of illicit trafficking in small arms and light weapons.

4. There has been coordination with the Customs and Ports General Authority and that Authority has held awareness-raising workshops on arms for its employees, in order to ameliorate control and prevent any violations of the law on arms and ammunition.

5. Civil society organizations have been encouraged to play an effective role in raising awareness of this issue and its importance with regard to the security of both the individual and society and to international peace and security.

6. Contributions have been made to national meetings on arms control and on the transfer of expertise and mechanisms. Assistance has been provided to the relevant national parties, including with regard to activities relating to the raising of awareness of control of illicit trafficking in small arms and light weapons.

Romania

[Original: English]
[13 October 2011]

Laws, regulations and administrative procedures

In 2001, when the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was adopted, Romania already had a functional legal framework consisting of Law No. 17/02.04.1996 on the regime of firearms and ammunition, Government Decision No. 679/25.10.1997 on the approval of firearms and ammunition regulations, and military regulations concerning technical support with weapons and ammunition in peacetime.

In 2004, the Romanian parliament adopted Law No. 295/2004 on the regime of arms and ammunition. In 2011, it adopted and implemented Law No. 117/2011, amending and completing Law No. 295/2004, and Law No. 122/2011, concerning the regime of weapons, military assets and ammunition under the administrative authority of the Ministry of National Defence.

Collection and disposal

In 2002, the Ministry of National Defence issued a national programme for the destruction of small arms and light weapons. A surplus of some 195,510 such arms and weapons and 36,692,747 pieces of ammunition were destroyed, with the financial support of Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America,, through Government Decision Nos. 1501/18.12.2002, 1313/13.11.2003 and 1061/07.08.2004.

Export controls

Enhanced export controls system and implementation of best practices

Although very comprehensive, Romania's export control primary legislation, issued in 1999, was amended in 2004 and 2009 in order to exercise an effective control over the trade of military goods, including small arms and light weapons. During the past 10 years, administrative procedures and ministerial orders have been issued to increase effective controls of territorial, maritime and air borders through inter-agency cooperation and to control the final destination of small arms and light weapon exports. The National Export Controls Authority, part of the Ministry of Foreign Affairs Department for Export Controls, is preparing a new draft law to amend the existing primary legislation of the control regime for exports, imports and other transfers of military goods, with a view to transposing recent best practices in the matter of military equipment and technology trade.

Monitoring process for exports of small arms and light weapons

The Department for Export Controls, in cooperation with law enforcement agencies and intelligent services, developed a monitoring process for exports of small arms and light weapons. All exports of such arms and weapons are subject to the monitoring process. Export licences are issued by the Department, with special clauses. Thus, it is mandatory for exporters to notify the Department, five days prior the shipment, of all elements being transferred, including, inter alia, the route,

carrier, quantity and serial number of small arms and light weapons. If the export can be made directly from Romania to the country of final destination, this implies that the export licence is issued with restriction on transit and/or trans-shipment.

Tracing small arms and light weapons

The International Tracing Instrument proved to be a clear and functional mechanism for exchanging information on the tracing of small arms and light weapons between countries in a timely and reliable manner.

In 2006, the Department for Export Controls created a register for all export and import transfers of small arms and light weapons. The register includes data regarding type, model, calibre, serial number and other relevant information, to facilitate the international exchange of information. The register also contains information about ammunition transfers. A special programme of awareness on the instrument, dedicated to exporters, importers and manufacturers, was organized by the Department.

Arms brokering controls

In 2008, the Department for Export Controls introduced a mandatory procedure by which all Romanian exports and imports are made directly with the end user, a contractor mandated by the end user or, if a direct transfer is not possible, indirectly only through a registered arms broker in his country of residence who is in possession of a licence for the transfers issued by his national export licence authority and is empowered by the end user.

Rapid mechanism for the enforcement of international arms embargoes

The Department for Export Controls developed an effective and rapid mechanism for the enforcement of arms transfer embargoes established by Security Council resolutions; joint actions or common positions adopted by the Council of the European Union; or decisions by the Organization for Security and Cooperation in Europe. Thus, the primary legislation stipulates the direct and immediate applicability of the arms embargoes, without any supplementary secondary legislation. The Department also developed national procedures in respect of regional instruments and created a network of cooperation with a specific division responsible for the implementation of such instruments, for example, the Small Arms and Light Weapons Control Programme of the Economic Community of West African States.

International and regional contributions

Romania contributes actively at the international and regional levels. Romanian experts participated in the Group of Governmental Experts on the prevention of illicit brokering of small arms and light weapons, the Group of Governmental Experts on military expenditure transparency, the Group of Governmental Experts of the High Contracting Parties to the Convention on Certain Conventional Weapons, in the process of the Arms Trade Treaty, including the Group of Governmental Experts, and the preparation of the model law for the implementation of the United Nations Firearms Protocol. In the past 10 years, experts from the Department for Export Controls served as instructors to help many countries to create or to develop a national arms export control system. It also

invited national export controls officials from the countries in the areas of the Black Sea and Caspian Sea to Romania for bilateral discussions or specific workshops and training activities. In recognition of its contribution to export controls development, the Department organized the Eighth International Export Control Conference, held in Bucharest in 2007, in cooperation with the Department of State of the United States of America.

Transparency

In September 2002, Romania published its first national report on arms exports, covering the years 2000 and 2001. Since 2006, the Department for Export Controls has also published quarterly reports. The most recent reports, covering 2010 and the first quarter of 2011, were published by the Department in September 2011. The transparency of the Romanian arms export controls reports is continuously increasing, with sections added on brokering activities controls in 2006; details of military equipment and technology in 2006; the control of transits and trans-shipments in 2009; and generic Government, industry, and commercial end users. In the most recent survey of State transparency, in 2011, Romania was ranked fifth of 49 major small-arms-exporting nations.

Thailand

[Original: English]
[27 September 2011]

Marking

Current practice

Thailand has consistently conformed to marking requirements for small arms and light weapons within the International Tracing Instrument, despite not being a State party to the United Nations Firearm Protocol. Thailand is of the view that effective marking can circumscribe the prevalence of illicit small arms and light weapons, and curtail suffering caused by the misuse of such weapons.

The current national legislation has latitude to allow for the implementation of the commitments of the International Tracing Instrument. Thailand does not domestically produce any small arms and light weapons but has strict practices on the engraving of unique serial numbers to register all imported weapons. Additionally, ammunitions produced in Thailand are also serially marked and can be effectively traced.

Challenges

Marking alterations

Despite following the implementation commitments of the International Tracing instrument, Thailand faces shortcomings on weapon marking alterations. The sophistication of such alterations, coupled with the versatility of small arms and light weapon modifications, have made it extremely difficult to trace weapons involved in crimes. Currently, Thailand is able to apply, with intermittent success, chemicals to recover erased serial number markings.

Lack of proper tools and techniques

At the provincial and district levels, the serial numbers of new weapons are marked manually. That practice can only produce unclear markings that are not durable and are easy to alter by wrongdoers, and makes tracing more difficult or even impossible.

International markings/previous weapon markings

The relevant authorities have expressed budgetary and technical requirement concerns regarding harmonizing domestic marking practices with international marking standards. Such a measure may be critical for the international tracing of illicit weapons. In addition, the budgetary challenge has made it difficult to track down the markings of previously imported weapons prior to current marking practices.

Way forward

The relevant authorities have noted the shortcomings of the current measures and shown a keen interest in receiving technical know-how on innovative marking measures that can prevent the removal or alterations of markings as well as the techniques that can retrieve erased or altered markings. Some innovative marking/tracing measures that could supplement current methods include gunshot residual marking samples, ammunition chamber inscription or other practices to be shared during the open-ended meeting of governmental experts.

Record keeping

Current practice

The feasibility of database integration on weapons records is being examined by the relevant agencies.

Way forward

Thailand would appreciate information or knowledge on database formatting, management and maintenance.

Tracing

Current practice and challenges

Thailand has never been requested to provide information on weapons tracing, nor requested such information itself.

Given the increasing global trend for the proliferation of illicit small arms and light weapons that could easily undermine regional peace and security, there remain such small-scale and widely unknown international tracing cooperation mechanisms as the Firearm Trace Request system of INTERPOL. Thailand faces such obstacles as personnel capacity-building and awareness-raising across all law-enforcement agencies in bridging local tracing and international efforts. Therefore, the existing mechanism provided by INTERPOL is not yet fully utilized.

Way forward

The Royal Thai Police will raise more awareness and capacity among national agencies to utilize current international tracing architectures, such as the INTERPOL Firearms Reference Table. Any new international tracing techniques would also benefit Thailand, which is situated at the centre of a region where small arms and light weapon trafficking has increased significantly of late.

National frameworks

Current practices/challenges

Thailand has put in place the following laws, which are consistent with the implementation of the International Tracing Instrument:

- Act Controlling Firearms, Ammunitions, Explosives, Fireworks and Imitation of Firearms (1947 and 1967)
- Act Controlling the Exportation of Arms, Armaments and War Implements (1952)
- Munitions of War Control Act (1987)

The Thai national point of contact is the Office of National Security Council, which oversees the coordination for the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. However, relevant Acts give authority to the Ministry of the Interior, the Royal Thai Police and the Armed Forces on controlling small arms and light weapons in Thailand.

Way forward

Thailand is engaged in making legislative changes to the current law to reflect the changing small arms and light weapon technologies and the proliferation of such arms and weapons in the region. The proposed amendment is currently under review by the Council of State prior to further evaluation by implementing agencies.

Thailand would be interested in finding out about institutional arrangements among relevant domestic institutions in implementing the Programme of Action.

Regional cooperation

Current practices/challenges

Thailand has consistently cooperated with other countries of the Association of Southeast Asian Nations (ASEAN) in the implementation of the Programme of Action, through the ASEAN ministerial and senior official meetings on transnational crimes and meetings of the Chiefs of Police of ASEAN member States.

Way forward

Thailand will continue to support ASEAN and the ASEAN Regional Forum to strengthen closer cooperation within the existing regional frameworks, for example, through intersessional meetings of the ASEAN Regional Forum on counter-terrorism and transnational crime and on confidence-building measures and preventive diplomacy.

International assistance and capacity-building

Current practices/challenges

Given the increasing trend in the region for proliferation of small arms and light weapons, which can undermine regional peace, stability and development, Thailand views regional cooperation as important.

Way forward

In summary, Thailand seeks cooperation, international assistance and capacity-building in the areas of current and past weapons marking systems; marking alterations; record keeping database formatting; management and maintenance; capacity-building and awareness of international tracing cooperations, such as INTERPOL; and domestic institutional arrangements, best practices and legislative changes.